

**KELLEY DRYE & WARREN LLP**

A LIMITED LIABILITY PARTNERSHIP

**WASHINGTON HARBOUR, SUITE 400**

**3050 K STREET, NW**

**WASHINGTON, D.C. 20007-5108**

(202) 342-8400

FACSIMILE

(202) 342-8451

www.kelleydrye.com

DANNY E. ADAMS

DIRECT LINE: (202) 342-8889

EMAIL: dadams@kelleydrye.com

NEW YORK, NY  
TYSONS CORNER, VA  
CHICAGO, IL  
STAMFORD, CT  
PARSIPPANY, NJ  
BRUSSELS, BELGIUM

AFFILIATE OFFICES  
MUMBAI, INDIA

December 20, 2006

**VIA ELECTRONIC MAIL DELIVERY**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

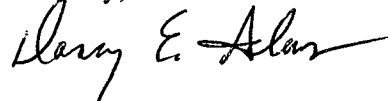
Re: Ex Parte Presentation by Kristin Brooks Hope Center  
CC Docket No. 95-155

Dear Ms. Dortch:

On December 19, 2006, Reese Butler and I, on behalf of the Kristin Brooks Hope Center, met with Michelle Carey of the FCC to discuss the continued operation of the suicide prevention and mental health crisis hotlines by the Kristin Brooks Hope Center. The attached documents were distributed at the meeting.

As required by Section 1.1206(b), this *ex parte* notification is being filed electronically for inclusion in the public record of the above-referenced proceeding, and a copy is being e-mailed to Michelle Carey. Please direct any questions regarding this matter to the undersigned.

Sincerely,



Danny E. Adams

cc: Michelle Carey



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Fax-On-Demand 202 / 418-2830  
TTY 202 / 418-2555  
Internet: <http://www.fcc.gov>  
ftn fcc.gov

DA 06-2507  
December 13, 2006

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON THE U.S. DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, SUBSTANCE ABUSE AND MENTAL HEALTH  
SERVICES ADMINISTRATION EMERGENCY REQUEST FOR THE PERMANENT  
REASSIGNMENT OF FIVE TOLL-FREE SUICIDE PREVENTION NUMBERS**

**CC DOCKET NO. 95-155**

**Comments Due: December 20, 2006**

On December 12, 2006, the Substance Abuse and Mental Health Services Administration (SAMHSA), a component of the U.S. Department of Health and Human Services, filed an emergency request to permanently reassign five toll-free numbers utilized as suicide prevention hotlines to SAMHSA.<sup>1</sup> To this end, SAMHSA requests that the Commission direct McLeodUSA, Inc., the Responsible Organization (RespOrg) for the suicide prevention numbers, to permit SAMHSA to port these numbers to the RespOrg of SAMHSA's choosing, consistent with the Commission's porting rules. In its request, SAMHSA states that it has been informed that the suicide prevention numbers could be disconnected by January 8, 2007, and therefore seeks expedited treatment.

This Public Notice establishes certain procedural requirements relating to consideration of SAMHSA's request. This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b). Other requirements pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R §§ 1.415, 1.419, interested parties may file comments on or before **December 20, 2006**. All filings should refer to **CC Docket No. 95-155**.

Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

<sup>1</sup> These numbers are 1-800-784-2433 (1-800-SUICIDE); 1-877-784-2432 (1-877-SUICIDA); 1-888-784-2433 (1-888-SUICIDE); 1-800-442-4673 (1-800-442-HOPE); and 1-800-827-7571 (collectively, the "suicide prevention numbers").

## **KEY EVENTS IN KBHC DEVELOPMENT**

September 1998	888-SUICIDE service initiated
June 1999	Service moved to MCI
July 1999	800-SUICIDE service initiated
November 12 <sup>th</sup>	Honored by San Francisco for creating Reason To Live Day
May 20 <sup>th</sup> 2000	Governor of Maryland Paris Glendenning honored H. Reese Butler II and the Kristin Brooks Hope Center for the efforts in preventing suicide by creating 1-800-SUICIDE.
May 21 <sup>st</sup> 2001	Reese gives keynote address Contact USA 34th annual Conference
October 7 <sup>th</sup> 2001	Reese gives keynote address at Tennessee Third Annual SPC
April 7 <sup>th</sup> 2002	Computerworld New Heroes Award. Reese accepted a medal in San Francisco on April 7 <sup>th</sup> 2002 which was the 4 <sup>th</sup> year anniversary of the suicide of Kristin Brooks Rossell for whom the KBHC was founded. The case study on our project can be found at <a href="http://www.cwnewheroes.org">www.cwnewheroes.org</a> .
June 24 <sup>th</sup> 2002	Reese gives keynote address at 2002 PostPartum Support International Conference
June 2002	Service moved to AT&T
Nov 11 <sup>th</sup> 2002	Reese Co-Chairs the 2002 Virginia Suicide Prevention Conference
September 2003	Trademark for 800-SUICIDE issued
October 11 <sup>th</sup> 2003	Reese gives the keynote address for the Tennessee Fifth Annual Suicide Prevention Conference
February 3 <sup>rd</sup> , 2004	Governor Jeb Bush honored Reese at Florida State Capitol
April 2006	Service moved to Patriot/McLeod
August 25, '06	Temporary settlement entered for 800-SUICIDE

### **Kristin Brooks Hope Center/800-SUICIDE Chronology of Events**

July 1998	888-SUICIDE service initiated
July 1999	800-SUICIDE service initiated
June 2002	Service moved from MCI to AT&T
September 2003	Trademark for 800-SUICIDE issued to KBHC
April 2006	Service moved from AT&T to Patriot/McLeod
August 25, '06	Temporary settlement entered for 800-SUICIDE payment
August 25, '06	SAMHSA writes FCC Chairman about 800-SUICIDE, suggesting transfer of that number to SAMHSA if put in disconnect status; asks waiver of public notice period and <i>does not</i> give notice of this letter to KBHC
September 7, '06	Patriot claims in e-mail to KBHC to be "subscriber of record" for "all" KBHC numbers based on outstanding balance due
September 14, '06	Patriot again e-mails KBHC that it controls its numbers, will release them only when it receives full payment
October 4, '06	McLeod denies request to release KBHC numbers to new RespOrg
October 16, '06	KBHC seeks transfer of only two numbers (not 800-SUICIDE)
October 23, '06	KBHC counsel writes to Patriot, McLeod, SAMHSA explaining law regarding number transfers, demanding release of numbers to new RespOrg
November 8, '06	McLeod releases two of KBHC's numbers, 877-968-8454 and 800-773-6667, as requested on Oct. 16
November 15, '06	SAMHSA letter to KBHC re numbers and possible settlement
November 17, '06	KBHC submits RespOrg transfer request for all numbers
November 22, '06	McLeod rejects request, cites misspelling of KBHC name

November 28, '06	KBHC letter to SAMHSA re numbers and settlement, explains law of number assignment, offers to work with SAMHSA to resolve all issues
November 28, '06	Patriot letter to KBHC again claiming "subscriber" status, indicating intent to "support" 800-SUICIDE, 877-SUICIDA, 888-SUICIDE, and no others, after Dec. 1, '06; advised KBHC to move all other numbers to another RespOrg; threatens to terminate service to all numbers if KBHC does not acquiesce in Patriot seizure of all KBHC numbers through signed release by January 8, '07
November 29, '06	SAMHSA letter stating intent to "support" 800-442-4673 and 800-827-7571, in addition to other three numbers, after Dec. 1, '06
December 4, '06	Patriot letter expanding numbers it will continue to "support" after Dec. 1 to include 800-442-4673 and 800-827-7571 in light of SAMHSA Nov. 29 letter
December 8, '06	McLeod rejects resubmitted KBHC transfer request on basis typeface is too light
December 8, '06	KBHC again submits RespOrg transfer requests, this time in two separate forms, one for five numbers which SAMHSA seeks to obtain, one for eight numbers SAMHSA says it will no longer support
December 11, '06	McLeod rejects both transfer requests citing "mismatches" on forms
December 12, '06	SAMHSA writes FCC seeking rule waiver to become subscriber of record for the five numbers which it says it will "support"; seeks "emergency" treatment based on Patriot threat to terminate service on January 8, '07 if KBHC fails to ratify the seizure of all its numbers by Patriot and McLeod; SAMHSA does not serve KBHC with this letter or otherwise notify KBHC of its filing, despite claim of "emergency"
December 15, '06	KBHC files Petition for Cease and Desist and For Sanctions with FCC, seeking maximum financial penalties and revocation of RespOrg status against Patriot and McLeod for repeated knowing and intentional violations of number assignment rules



Patriot Communications LLC

Main Acct #: \_\_\_\_\_

## Toll Free Letter of Agency

Page: 1 of 1

Patriot Communications has authorization for the management and administration of our Toll-Free number(s) listed below. The undersigned toll free number holder ("the holder") appoints McLeodUSA ("ACC02") as the Responsible Organization ("RESP ORG") for the toll free numbers listed below. The holder attests that it is the exclusive end using subscriber of the toll free numbers listed and releases from liability any person to whom this letter is provided for carrying out the requested transfer of RESP ORG designation, as specified with this letter.

### Toll Free Number/s:

<u>(800)784-2433</u>	<u>(888)784-2433</u>	<u>(877)784-2432</u>	<u>(877)968-8454</u>
<u>(877)838-2838</u>	<u>(800)442-4673</u>	<u>(800)722-9498</u>	<u>(800)827-7571</u>
<u>(866)771-1276</u>	<u>(866)968-8454</u>	<u>(877)968-8454</u>	_____
<u>(888)861-8460</u>	<u>(877)495-0009</u>	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

### Provide the following information as it *exactly* appears on the most recent bill copy:

Company Name (holder): Kristin Brooke Hope Cntr

Current Billing Address: PO BOX 151293  
(Street)

\_\_\_\_\_  
(Street)

ALEXANDRIA, VA, 223151293  
(City, State, Zip)

We agree to pay all charges for toll-free service and any additional charges billed by previous provider(s) of service(s). The undersigned has read this LOA form, and by his/her signature acknowledges receipt of a copy of this form and agrees to the terms and conditions outlined here in. Customer retains full liability for publication or distribution of a number prior to connection of the service to the proper facility.

Authorized Signature: 

Print Authorized Name: Henry Reese Butler II

Date: 3/24/2006

Title: President

Phone Number: 703-924-6167

(For RESP ORG use Only)

Requested Date of Transfer:

Time:

AM/PM

Current RESP ORG:

From: Doug Livingston [mailto:DLivingston@patriotllc.com]  
Sent: Thu 9/7/2006 4:15 PM  
To: Reese Butler; Wilson Haney; RGraham@feldesmantucker.com  
Cc: Mark Siu; Analisa Tiscareno; popedc@aol.com  
Subject: RE: understanding of agreement

Reese... based on our call on August 25, I have a much different understanding. I direct you to both your and Eric Broderick's emails dated Friday, August 25.

SAMHSA has assumed responsibility for the overall service and has agreed to compensate Patriot beginning August 25. Since there is a significant outstanding balance due, Patriot has become the subscriber for all of the toll-free telephone numbers in question.

If there is any confusion about the current status, I recommend that you discuss this matter with SAMHSA directly and work it out with them. Also, please note that the services agreement between Patriot and KBHC was terminated on August 25.

Let me know if you have any questions.

Thanks... Doug

www.scmv.com

619.685.3003

619.685.3100 FAX

2100 SYMPHONY TOWERS

750 B STREET

SAN DIEGO, CALIFORNIA 92101

SELTZER | CAPLAN | McMAHON | VITEK

A LAW CORPORATION

LEE E. HEJMANOWSKI, ESQ.

hejmanowski@scmv.com

619.685.3043

619.702.6841 FAX

**FAX COVER SHEET**

TO:	Danny E. Adams, Esq.	FAX NO.	(202) 342-8451
	Eric B. Broderick, D.D.S., M.P.H.	FAX NO.	(240) 276-2010
	Richard McKeon	FAX NO.	(240) 276-2010
	Rina Hakimian, J.D., MPH	FAX NO.	(301) 443-2639
	Constance Foster	FAX NO.	(301) 443-2639
	William A. Haas	FAX NO.	(319) 790-7901

FROM: Lee E. Hejmanowski, Esq.

DATE: November 28, 2006

**DOCUMENT**

TRANSMITTED: Letter of today's date regarding SAMHSA toll-free numbers

OUR FILE NUMBER:	02586.57481	ORIGINAL: [x] WILL BE MAILED	[ ] WILL NOT BE MAILED
------------------	-------------	---------------------------------	---------------------------

OUR CASE NAME: *Patriot Communications LLC v. Kristin Brooks Hope Center***ADDITIONAL**

COMMENTS: For your review and file.

**CONFIRMATION**

NUMBER: (619) 685-3118 (MaryLou A. Quayle)

TOTAL NUMBER OF PAGES IN THIS TRANSMISSION: **\*\*\*4\*\*** (including cover sheet)

If you are not receiving properly or have not received all pages, please phone MaryLou A. Quayle immediately at: (619) 685-3118. Thank you.

**THIS MESSAGE IS INTENDED FOR THE USE OF THE SPECIFIC INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. IF THE READER OF THIS COMMUNICATION IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL COMMUNICATION TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. WE WILL REIMBURSE YOU FOR THE MAILING COSTS. THANK YOU.**



NORMAN T. SELTZER  
 ROBERT CAPLAN  
 GERALD L. MCMAHON  
 REGINALD A. VITEK  
 DAVID J. BORNE  
 JAMES R. DAWE  
 BRIAN T. SELTZER  
 ELIZABETH A. SMITH-CHAVEZ  
 JOYCE A. MCCOY  
 DENNIS J. WICKHAM  
 JOHN H. ALSPAUGH  
 JAMES P. DELPHEY  
 ELINOR T. MENDETH  
 MICHAEL G. NARDI  
 THOMAS P. STEINKE  
 NEAL P. PANISH  
 SEAN Y. HARBADEN  
 DAVID J. ZURKOFF  
 CHARLES L. GOLDBERG  
 PATRICK Q. HALL  
 MICHAEL A. LEONE  
 DANIEL A. ANDRIST  
 J. SCOTT SCHOPER  
 LEE E. HEJMANOWSKI  
 DANIEL F. PATON  
 MONTY A. MCINTYRE  
 GREGORY A. VEGA  
 HOWARD J. BARNHORST II  
 PAUL R. BATHOW  
 JACK R. LEER  
 AMANDA L. HARRIS  
 HARRIS S. SKEEN  
 DAVID M. GUNDEL  
 CHARLES W. WITMAN  
 RHONDA K. CHANDALL  
 SCOTT A. MILLER  
 ROBERT (ROBIN) M. TRAYLOR  
 LINDA PAGET DE LOON  
 JOSEPH P. MARTINEZ  
 RICHARD A. CLEGG  
 G. SCOTT WILLIAMS  
 ANDREW D. BROOKS  
 JEFFREY D. HARRIS  
 MATTHEW H. MAHONEY  
 CHRISTINE M. LA PINTA  
 DANIEL W. ABBOTT  
 ANGELA A. BASSETT  
 ALLISON C. SHANAHAN  
 ERIK L. SCHRAMER  
 JASON P. SWEENEY  
 JASON M. SANTANA  
 CLARICE A. ESTRADA  
 CHRISTOPHER L. LUDHER  
 NICHOLAS S. BARNHORST  
 CHAD M. HARRIS  
 CYNTHIA MORGAN  
 MICHAEL S. LEE  
 JUSTINE M. PHILLIPS  
 HOPE N. CHAU  
 J. KEVIN MANN  
 TRACY A. WARREN  
 MICHELE HENTRICH HARRIS

OF COUNSEL  
 N. CHRISTINE TENNISON

\*ADMITTED IN TEXAS ONLY

**SELTZER | CAPLAN | MCMAHON | VITEK**  
 A LAW CORPORATION

WWW.SCMV.COM 2100 SYMPHONY TOWERS  
 619.685.3003 750 B STREET  
 619.685.3100 FAX SAN DIEGO, CALIFORNIA 92101

LEE E. HEJMANOWSKI, ESQ.

hejmanowski@scmv.com  
 619.685.3043  
 619.702.6841 FAX

November 28, 2006

**VIA FACSIMILE AND U.S. MAIL**

Danny E. Adams, Esq.  
 Kelley Drye & Warren LLP  
 Washington Harbour, Suite 400  
 3050 K Street, NW  
 Washington D.C. 20007-5108

Rina Hakimian, J.D., MPH  
 SAMHSA  
 Office of General Counsel  
 Public Health Division  
 5600 Fishers Lane, Room 4A-53  
 Rockville, MD 20857

Ms. Heather Hendricksen  
 Federal Communications Commission  
 445 12<sup>th</sup> Street SW  
 Washington D.C. 20554

Eric B. Broderick, D.D.S., M.P.H.  
 Richard McKeon  
 SAMHSA  
 1 Choke Cherry Road, 8-1059  
 Rockville, MD 20857

Constance Foster, Legal Team Leader  
 SAMHSA  
 Office of General Counsel  
 Public Health Division  
 5600 Fishers Lane, Room 4A-53  
 Rockville, MD 20857

William A. Haas  
 V.P. and Deputy General Counsel  
 McLeodUSA Telecommunications  
 Services, Inc.  
 6400 C Street, SW  
 Cedar Rapids, IA 52406

RE: *Patriot Communications LLC v. Kristin Brooks Hope Center*  
 Our File No. 02586.57481

Dear Ladies and Gentlemen:

This firm represents Patriot Communications LLC ("Patriot"). Patriot is the subscriber of record for the following toll-free telephone numbers, all of which Patriot has been supporting on behalf of the Substance Abuse and Mental Health Services Administration ("SAMHSA") since August 25, 2006:

(800) 784-2433	(1 (800) SUICIDE)
(877) 784-2432	(1 (877) SUICIDA)
(888) 784-2433	(1 (888) SUICIDE)
(800) 442-4673	

S E L T Z E R | C A P L A N | M c M A H O N | V I T E K

Danny E. Adams, Esq.  
Dr. Eric B. Broderick  
Mr. Richard McKeon  
Rina Hakimian, JD., MPH  
Constance Foster, Esq.  
Ms. Heather Hendricksen  
William A. Haas, Esq.  
November 28, 2006  
Page 2

(800) 722-9498  
(800) 827-7571  
(866) 672-7733  
(866) 771-1276  
(866) 968-8454  
(877) 495-0009  
(877) 838-2838  
(888) 861-8460

SAMHSA wishes for Patriot to continue to support only the following three (3) toll-free telephone numbers:

(800) 784-2433	(1 (800) SUICIDE)
(877) 784-2432	(1 (877) SUICIDA)
(888) 784-2433	(1 (888) SUICIDE)

Patriot suggests Kristin Brooks Hope Center ("KBHC") submit a change of Resporg request for the balance of the toll-free telephone numbers listed above, so that another service provider may support them. Alternatively, Patriot will release those toll-free telephone numbers back to the toll-free telephone number administrator.

Patriot is ready, willing and able to continue to support the other three (3) toll-free telephone numbers. We understand that KBHC contends that Patriot cannot support those toll-free telephone numbers. Patriot disagrees with that contention. The relative merits of the parties' positions should not be their focus at this time.

Fortunately, all stake holders share a common goal of ensuring that these toll-free telephone numbers continue to be supported so that a vital public service is available to persons in crisis. Indeed, KBHC stated on or around August 25, 2006 that it would donate 1 (800) SUICIDE ((800) 784-2433) to SAMHSA at no cost.

While Patriot would be pleased to continue to support the suicide-prevention toll-free telephone numbers, it is not willing to do so unless SAMHSA and KBHC confirm in a binding, written agreement that Patriot may do so and that KBHC will assert no claims against Patriot for having done so or continuing to do so. Absent an agreement in writing from KBHC and SAMHSA by January 8, 2007, acknowledging Patriot may continue to support these toll-free telephone numbers, and that no claims will be made

S E L T Z E R | C A P L A N | M C M A H O N | V I T E K

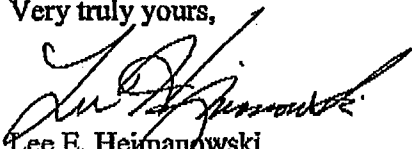
Danny E. Adams, Esq.  
Dr. Eric B. Broderick  
Mr. Richard McKeon  
Rina Hakimian, JD., MPH  
Constance Foster, Esq.  
Ms. Heather Hendricksen  
William A. Haas, Esq.  
November 28, 2006  
Page 3

for Patriot's doing so or having done so in the past, Patriot will cease routing telephone calls to the toll-free telephone numbers at 12:01 am on January 9, 2007 and will post an outgoing message directing callers to call 1-800-273-TALK for assistance.

Patriot is committed, given the current conditions, to supporting the toll-free telephone numbers through the critical holiday season. Patriot trusts and anticipates that before January 8, 2007, one or more written agreements and releases among SAMHSA or its designee, Patriot and KBHC will be executed. We remain hopeful that no interruption in services will be required, but wanted to express Patriot's position clearly, and early, so that all interested parties may plan accordingly.

We look forward to hearing that SAMHSA and KBHC have agreed that Patriot may continue to support these important toll-free telephone numbers so that such an agreement may be documented in a timely manner.

Very truly yours,



Lee E. Hejmanowski  
Seltzer Caplan McMahon Vitek  
A Law Corporation

LEH/mlq

cc: Douglas S. Livingston, President and COO  
Patriot Communications, LLC

Ref: CC Docket No. 95-155  
Toll Free Service Access Codes

The Honorable Kevin J. Martin  
Chairman  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

Dear Mr. Martin:

I am writing to renew and update the Department of Health and Human Services' request that the Federal Communications Commission (FCC) reassign five toll free numbers utilized as suicide prevention hotlines to the Substance Abuse and Mental Health Services Administration (SAMHSA), a component of the U.S. Department of Health and Human Services (HHS). The five toll free numbers are: (800) 784-2433 (1-800-SUICIDE), (877) 784-2432 (1-877-SUICIDE), (888) 784-2433 (1-888-SUICIDE), (800) 442-4673 (1-800-442-HOPE), and (800) 827-7571.

On August 25, 2006, Secretary Leavitt submitted a request (enclosed) to the FCC for assignment of the number 1-800-SUICIDE to SAMHSA. On that date, SAMHSA was able to reach agreement with the telecommunications provider, Patriot Communications, LLC, and the Kristin Brooks Hope Center (KBHC) to assume financial responsibility for the five lines listed above. McLeodUSA Telecommunications is the Responsible Organization for the toll free numbers. SAMHSA has worked diligently to establish a permanent arrangement to support these critical lines.

Patriot recently informed SAMHSA that absent a binding, written agreement permitting unencumbered use of the lines, Patriot will cease routing telephone calls to the toll free telephone numbers on January 8, 2007. The total call volume for these five toll free lines is approximately 30,000 per month. Each call potentially represents a caller in crisis, seeking assistance for a mental health emergency. We seek this reassignment in order to minimize the potential for loss of life due to callers being unable to connect immediately with a crisis center that can provide counseling or dispatch rescue services if needed.

As stated in the August 25, 2006 letter to you, HHS is gravely concerned that permitting these toll free numbers to be disconnected and unused is not in the best interests of the public. Therefore, SAMHSA respectfully requests that the Chairman exercise his authority to waive section 47 CFR §52.111 of the regulations governing toll-free numbers and any other rules necessary, so that (800) 784-2433, (877) 784-2432, (888) 784-2433, (800) 442-4673 and

Page 2 – The Honorable Kevin J. Martin

(800) 827-7571 are assigned to SAMHSA on a permanent basis. We request further that the FCC direct McLeodUSA, Inc., the current Responsible Organization, to permit SAMHSA to port the toll free numbers to the Responsible Organization of its choosing, consistent with FCC rules on portability.

Due to the urgency of the situation, we respectfully request that FCC consider this matter on an expedited basis. Further, we respectfully request that FCC waive the public comment period for this request. If these five toll free numbers are placed on disconnect status, then each day, or even every hour, during which calls go unanswered, may pose a risk to callers in crisis. Therefore, to permit a public comment period while the line remains idle would defeat the very purpose of allowing an immediate reassignment of the number to SAMHSA.

We would be happy to respond to any questions you may have, and thank you for your attention to this important matter.

Sincerely,

Eric B. Broderick, D.D.S., M.P.H.  
Acting Deputy Administrator  
Assistant Surgeon General

Enclosure



THE SECRETARY OF HEALTH AND HUMAN SERVICES  
WASHINGTON, D.C. 20201

AUG 25 2006

The Honorable Kevin J. Martin  
Chairman, Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

Dear Mr. Martin:

I am writing to request that in the event that the telephone number 1-800-SUICIDE is placed on disconnect status, which may occur on August 26, 2006, the Federal Communications Commission (FCC) reassign the 1-800-SUICIDE telephone number from the Kristin Brooks Hope Center (KBHC) to the Substance Abuse and Mental Health Services Administration (SAMHSA), a component of the U.S. Department of Health and Human Services (HHS). This reassignment is being requested in order to minimize the potential for loss of life due to 1-800-SUICIDE callers being unable to connect immediately with a crisis center that can dispatch rescue services.

Suicide is often a preventable tragedy. Last year alone, over 7 percent of all American youth – 1.8 million young people – had thoughts about killing themselves. Approximately 900,000 of these youth made plans to commit suicide; 712,000 acted on those plans by attempting suicide. Across the country, someone dies by suicide every 17 minutes. In the United States, more people die every year by suicide (30,000) than by homicide (18,000).

HHS is gravely concerned that permitting 1-800-SUICIDE to be disconnected and unused is not in the best interests of the public. Therefore, SAMHSA respectfully requests that you, as Chairman, FCC, exercise your authority under section 47 CFR §52.111 of the regulations governing toll-free numbers, and waive any other rules necessary so that, *if and as soon as 1-800-SUICIDE is placed on disconnect status by the responsible organization*, the number 1-800-SUICIDE (1-800-784-2433) will be reassigned to SAMHSA on a temporary basis, so that suicidal callers will not be confronted with a non-working line, or be advised that they must dial yet another number before receiving assistance.

Due to the urgent situation, we respectfully request that FCC consider this matter on an expedited basis and waive the public comment period for this request. If the 1-800-SUICIDE number is placed on disconnect status, then each day, or even every hour, during which calls go unanswered, may pose a risk to callers in crisis. Therefore, to permit a public comment period while the line remains idle would defeat the purpose of an immediate reassignment of the number to SAMHSA. Enclosed is a summary of key facts related to this case. In addition, Admiral Eric B. Broderick, Acting Deputy Administrator, SAMHSA, (240) 276-2000, is happy to answer any questions you may have. Thank you for your consideration of this urgent request.

Sincerely,

### **Background Information: 1-800-SUICIDE**

- As part of its public health mission, the Substance Abuse and Mental Health Services Administration (SAMHSA), a component agency of the U.S. Department of Health and Human Services (HHS), supports efforts to prevent suicide through the Garrett Lee Smith Memorial Act programs for youth suicide prevention and the National Suicide Prevention Lifeline (1-800-273-TALK) which serves as a central switchboard that immediately connects callers to over 120 certified crisis centers around the country.
- Prior to the establishment of 1-800-273-TALK, SAMHSA awarded a cooperative agreement to the American Association of Suicidology (AAS) to certify and network crisis centers from around the country into a national network using a single toll-free number. The number used by the hotline at that time was 1-800-SUICIDE. The Kristin Brooks Hope Center (KBHC), a private, not-for-profit organization, has operated the 1-800-SUICIDE telephone line since 1999 and was a subrecipient of the cooperative agreement awarded to AAS from September 2001 through March 2005.
- SAMHSA and AAS had differences of opinion regarding the administration of that cooperative agreement. Those differences have led to ongoing discussions regarding payments under the cooperative agreement. SAMHSA stands willing to consider any valid claims from AAS regarding this cooperative agreement. However, resolution of potential fiscal issues between AAS and SAMHSA arising under the former cooperative agreement should not prevent the 1-800-SUICIDE number from remaining open to callers in crisis.
- Recently, KBHC announced significant financial difficulties and that the 1-800-SUICIDE number is scheduled to be disconnected on August 26 by Patriot Communications, the current telecommunications provider. SAMHSA has worked diligently to arrange for an orderly transfer of control of the toll-free number but has not been able to reach an agreement with KBHC. SAMHSA wishes to prevent any risk to the public health that could arise from the sudden disconnection of this national hotline which currently receives 30,000 calls per month. In furtherance of that goal, SAMHSA has offered to operate the hotline in parallel with its current initiative, the National Suicide Prevention Lifeline 1-800-273-TALK. KBHC has refused.
- If 1-800-SUICIDE ceases to accept calls without a mechanism for orderly transfer of callers to an active hotline, individuals who are in the process of attempting suicide, or otherwise at risk for suicide, will get no response and may not be rescued. HHS believes this constitutes a public health crisis that requires immediate intervention.